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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human rights situation in Bahrain in the first quarter of 2018*

The human rights situation in Bahrain continued to deteriorate in April 2018. 1977 serious human rights violations were observed between the 1st and 30thof April2018, including arbitrary arrests, house raids, unfair trials, crackdown on peaceful protests, restrictions on freedom of movement, prohibition of Friday prayers, media materials that incite hate speech, enforced disappearance, torture, ill-treatment, injuries, destruction or confiscation of property and violation of freedom of religion and belief.

While the number of violations in April exceeded those of March and February, the total violations were distributed as follows: 58 cases of arbitrary arrests, including 9 children;42 cases of forced disappearances; sentences amounting to 847 years and 9 months in prison, BD 18,200 equivalent to approximately US $48,404 of total fines and bails; 56 cases of torture and ill-treatment, including 17 cases of deprivation of treatment;589 media materials that incite hate speech; 80 unlawful raids on houses and residential facilities;72crackdowns on peaceful gatherings and protests;878individuals who were arrested or accused were referred to court because of trials that violate freedom of expression and peaceful assembly; violation of freedom of movement by the continuation of the siege on Duraz area for 678 days and the imposition of house arrest on the highest religious authority for the Shiite Muslims in Bahrain, Ayatollah Sheikh Isa Qassim, for 341 days without a judicial order or administrative decision; violation of freedom of religion and belief by prohibiting Friday prayer in Duraz4 times in April bringing the number of prohibitions to94times since 2016;2case of unlawful confiscation of property; and 3 cases of destruction of property.

In April, Bahrain witnessed 262 protests, while since the beginning of the year the number of protests has reached 1440even though there has been a complete banon peaceful assembly for1307 days. The number of arbitrary arrests since the beginning of the year has reached 376, including 55 children. Since 2012,the nationalities of 606 citizens have been revoked for political reasons. Moreover, since the beginning of the year, there have been 438illegal raids on homes and residential facilities; 445 Bahraini citizens, including 5 women and 5 children, have been arbitrarily convicted; total sentences amounting to 2888 years and 11 months in prison, in addition to a suspended 3-year jail term; total fines imposed on the arbitrarily convicted amounting to US$ 1,019,276; 135 sentences of revocation of nationalities at several levels of litigation; 10 sentences of arbitrary deportation; and 14 death sentences. The total number of human rights violations that occurred in January, February, March and April are 5516.

Hate speech: 589 media materials

589 media materials and messages that incite or help to incite hatred against human rights defenders, political activists and Bahraini citizens were observed in April. Those materials were distributed among152 media articles published in the official press and 437materials published on social media. The journalists, Faisal al-Sheikh, Farid Hassan, Mona Mutawa, Saeedal-Hamad, Sawsan al-Shaer, Fawzia al-Rasheed and Othman al-Majed continued to publish hate materials.

The hate-inciting media materials published in official press are as follows: 30 articles in the Bahraini al-Ayam newspaper, 49articles in the Bahraini Akhbaral-Khaleej newspaper, 16 articles in the Bahraini al-Bilad newspaper, and 57 articles in the Bahraini al-Watan newspaper.

In addition, 115 media materials that incite hatred against 4 prominent Shiite clerics in Bahrain, including senior scholar Sayed Abdullah al-Ghuraifi, were monitored. 34 of them were published in the four official newspapers, and 81 materials were published on social media sites. It was noted that the published materials amounted to 105 hate materials after the release of the statement of Undersecretary of Islamic Affairs at the Ministry of Justice, Islamic Affairs and Endowment, Fareed al-Moftah1, against the four senior clerics.

1http://www.bna.bh/portal/news/838470

Unfair trials

The trial hearings, which violate the freedom of political action of Bahraini opposition leader Sheikh Ali Salman, as well as two former MPs of the Al-Wefaq parliamentary bloc, Sheikh Hassan Sultan and Ali Mahdi Al-Aswad, continued. The tenth hearing was held on April24,2018, and a decision was issued to reserve the case for judgment on May 21, 2018.

The defence's argument lasted for an hour and a half, during which the moral element of the crime was denied, and the investigation officer's evidence was challenged. The wiretapping occurred outside the period of validity of the prosecution's authorization; however, the prosecution tried to refute the evidence of innocence and convert it into incriminating evidence, as the judiciary's attitude continues to breach the presumption of innocence. The Secretary-General of al-Wefaq, Sheikh Ali Salman, refused to speak before the court during this hearing.

On April 25, 2018, the Military Court of Cassation upheld the death sentence against four Bahraini citizens, who were convicted of attempted attack on the Commander-in-Chief of Bahrain Defence Force, Khalifa bin Ahmed Al Khalifa. On the next day, April 26, 2018, the King of Bahrain, Hamad bin Isa, approved the commutation of the death sentences, which were upheld by the military judiciary, to life sentences.

The death sentences were issued on the basis of confessions extracted under torture, after a trial, in which the principles of fair trials were violated.

Mubarak Adel Mubarak Mohanna, FadhelSayed Abbas Hassan Radhi, Sayed Alawi Hussein Alawi Hussein, Mohamed Abdul-Hassan Ahmed al-Motaghawi, Mohammed Abdul-Hussein Saleh al-Shihabi, Mohammed Abdul-Wahed Mohammed al-Najjar and Hussein Mohammed Ahmed Shehab had appealed their verdicts in the case that was marred by many mistakes and was criticized by international human rights groups.

On February 21, 2018, the Military Court of Appeal upheld the verdicts of the first degree Military Court, which, on December 25, 2017, sentenced the victims to death and to 15 years in prison as well as revoking their citizenships.

In this trial, the victims were subjected to 11 violations, including torture with electric shock, solitary confinement and enforced disappearance. Communications engineer Sayed Alawi Hussein, who is the personal escort of Ayatollah Sheikh Isa Qassim, and SayedFadhel Abbas were forcibly disappeared for nearly a year, while Mohammed al-Shihabi and human rights activist Mohammed al-Motaghawi were forcibly disappeared for months. Some of the lawyers and the families of the defendants were threatened to be subjected to degrading treatment if they revealed the violations to the media or international human rights organizations. The military judiciary hid the report of the forensic doctor which proves that Sayed Alawi Hussein Alawi was tortured.

Human rights activist and head of Liberties and Human Rights Department at al-Wefaq National Islamic Society, Mohammed al-Motaghawi, was arrested on May 23, 2017 when excessive force was used to break up the peaceful gathering in Duraz. He was tortured while he was arbitrarily detained for hours in front of the house of Ayatollah Sheikh Isa Qassim, the highest religious authority for Shiites in Bahrain. One of the defendants told his family that he had no choice other than confessing because he would face death due to torture with electric shocks if he had not confessed.

The plaintiff in this case, the Commander-in-Chief of the Bahrain Defence Force, oversees the appointment of military judges and the distribution of positions. Therefore, the lawyers demanded that the case be transferred to the civil judiciary because such case is not in the jurisdiction of the military judiciary, but the judge refused. The report of the Independent Commission of Inquiry condemned the sentences handed down in 2011 to civilians by the military judiciary. In fact, some of the defendants were tortured before a judge in the court in 2011 and no legal liability was inflicted upon the perpetrators.

At the second hearing, on October 30, 2017, the defendants were surprised by the charge of planning an assassination brought against them, since they were not interrogated based upon them, in addition, the court refused the request of the lawyers to receive a copy of the case file. Some defendants were not allowed to meet with their lawyers except when they met them for the first time at the third hearing on November 2, 2017 for five minutes.

The National Institute for Human Rights, the Terror Crime Prosecution and the Special Investigation Unit have played clear roles in covering up the serious human rights violations committed against some of the detainees in this trial.

UN human rights experts have called in a statement issued on April 30, 2018 for the retrial of four men sentenced to death by a Bahraini military court in a collective trial that breached fair trial and due process guarantees and confessions obtained under torture.

The experts called on the Bahraini authorities to ensure that the four men are retried in accordance with international law and standards.

"The allegations of enforced disappearance and torture must be promptly, thoroughly and impartially investigated with a view to holding those responsible to account and preventing future similar occurrences," the experts said.

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*Bahrain Forum for Human Rights (BFHR), NGO without consultative status, also shares the views expressed in this statement.